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**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

MEETING DATE February 26, 2015 DETERMINATION DATE March 11, 2015	CONTACT/PHONE Megan Martin mamartin@co.slo.ca.us (805) 781-4163	APPLICANT Hermreck Properties, LLC	FILE NO. DTM2014-00004
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**SUBJECT**

Determination of conformity with the General Plan for the vacation of a portion of Avocado Avenue between Tefft and Dana Street in the community of Nipomo. The request is in response to an application submitted Hermreck Properties, LLC, owners of adjacent property at the northwest corner of Avocado Avenue and East Dana Street. Avocado Avenue is located in both the Residential Multi-Family and Residential Single Family land use category within the community of Nipomo in the South County Inland Sub Area of the South County Planning Area.

**RECOMMENDED ACTION**

Receive and file the determination that the proposed road abandonment is in conformity with the County General Plan.

**ENVIRONMENTAL DETERMINATION**

This General Plan Conformity Report is not considered a project under CEQA and therefore does not require an environmental determination. Any subsequent land use permit application, however, would require an environmental determination.

LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION Flood Hazard	ASSESSOR PARCEL NUMBER N/A – County Right of Way	SUPERVISOR DISTRICT(S) 4
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**PLANNING AREA STANDARDS:**

South County Planning Area – San Luis Bay Inland Sub-Area, Flood Hazard

**LAND USE ORDINANCE STANDARDS:**

Section 22.14.060 – Flood Hazard Area

**EXISTING USES:**

Vacant and undeveloped county road

**SURROUNDING LAND USE CATEGORIES AND USES:**

North: Residential Single Family / Residences

East: Residential Single Family / Residences

South: Residential Multi-Family / Residences

West: Residential Multi-Family / Residences

**TOPOGRAPHY:**

Nearly level

**PROPOSED SERVICES:**

Water Supply: N/A

Sewage Disposal: N/A

Fire Protection: N/A

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:  
COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242

## PROJECT DESCRIPTION

The proposed project is a request for the vacation of the County's road easement constituting Avocado Avenue on behalf of a request submitted by Hermreck Properties, LLC (January 21, 2015). Avocado Avenue is currently undeveloped and overgrown with non-native grasses. A seasonal creek runs adjacent to the Hermreck Property and perpendicular to Avocado Avenue.

Avocado Avenue is the north-south connector between Dana Street and Tefft Street (Attachment 1 – Graphics). The vacation would occur at the southerly 140 feet (from the alleyway to the Dana Street right of way) of Avocado Avenue between Tefft Street and Dana Street (refer to Graphics for more detailed location). Twenty feet (10 feet on either side of the centerline of Avocado Avenue) will be reserved to the County of San Luis Obispo for pedestrian, utility, and drainage uses.

The County of San Luis Obispo Department of Public Works submitted a letter of support for the applicant's request for the partial road vacation (October 24, 2014). The Department of Public Works submitted a letter notifying the adjacent property owners (to the east of Avocado Avenue) of the vacation. The property owners were provided a response form as to whether they were in favor of the vacation. The property owners returned the form in support of the vacation. The vacation effectively eliminates the public interest in that portion of Avocado Avenue, leaving the underlying ownership (the applicants) without the legal obligation to allow public access.

State law requires a determination of General Plan conformity for any sale or abandonment of County owned real property before approval or property transfer. Once the general plan conformity report has been received and filed, the Board of Supervisors will make the determination to approve or disapprove the proposed abandonment of real property. California Government Code Section 65402 requires that the planning agency first find that the proposed vacation of the County's Road Easement be in conformity with the County's General Plan.

## GENERAL PLAN CONFORMITY

When the acquisition or abandonment of real property or the construction of structures is proposed within an unincorporated area, the proposal must be evaluated for consistency with the General Plan before the action is authorized. Pursuant to Government Code Section 65100, the Department of Planning and Building is authorized to prepare and issue conformity reports that are required by Government Code Section 65402. This conformity report is required to evaluate whether the proposed abandonment of real property is consistent with the County General Plan.

The determination of conformity is to be based on the county General Plan including the text, standards, programs, and maps contained therein. Factors that are listed in Framework for Planning, Part I of the Land Use Element that may be considered in determining conformity include, but are not limited to the following:

1. The proposed project bears a reasonable relationship to pertinent policies and mapped locations of the most applicable General Plan elements, specific plan or facility master plan.

*Staff Response: Avocado Avenue is a paper road, undeveloped and overgrown with grasses. It is not currently used as a road by the neighborhood that surrounds it. The vacation of Avocado Avenue will not interfere with the opportunity to develop or access surrounding properties because adjacent residences can still be accessed from a county maintained road (Dana Street and Tefft Street.) The vacation is supported by Public Works and complies with the pertinent policies, General Plan elements, and the South County Planning Area Standards because the applicants have formally requested the existing county road easement (Avocado Avenue) be vacated.*

2. The project is consistent with the goals, objectives and policies of the Land Use Element and any other applicable General Plan element.

*Staff Response: The proposed project is consistent with the goals and policies of the Land Use Element because adjacent properties will have direct and legal access to a public road (Dana Street or Tefft Street).*

3. A proposed construction project is designed in conformance with the standards of the Land Use Ordinance as well as any standards contained in Chapter 8 of the applicable Land Use Element area plan.

*Staff Response: Not applicable.*

4. The abandonment or sale of public property will not eliminate, delay or unreasonably interfere with the opportunity to develop public sites or structures as identified in the General Plan. The proposal should be evaluated for its possible use as a public facility, or for its exchange or sale and subsequent purchase of a better site within the community.

*Staff Response: The abandonment (also known as vacation) will not interfere with the opportunity to develop or access adjacent properties. The portion of Avocado Avenue to be vacated currently provides no connectivity from Dana Street to Tefft Street. The abandonment of County property will effectively eliminate public interest in that portion of Avocado Avenue to be vacated and reserve the 20 foot utility easement for flood control and pedestrian access.*

## DETERMINATIONS AND FINDINGS

The proposed vacation is in conformity with the county General Plan based on the following findings:

- A. The elimination of the County road easement would not eliminate, delay or unreasonably interfere with the opportunity to develop structures as identified in the General Plan. Surrounding properties are zoned Residential Multi-Family and are currently developed with residences. The vacation will not eliminate these uses but will allow adjacent property owners to bring their antiquated lots into conformity with the General Plan by increasing their lot size to the current standards.
- B. The elimination of the County road easement does not conflict with other elements of the County General Plan because eliminating Public Road easement ownership to the adjoining private property owner (the applicants) is consistent with the goals, objectives and policies of the other elements of the General Plan.
- C. Any future development would require further review and an environmental determination. Such development would be reviewed for compliance with applicable general plan policies and land use ordinance standards, and would require an environmental determination in accordance with the California Environmental Quality Act (CEQA).
- D. The vacation of the County's road easement constituting Avocado Avenue will not conflict with the applicable sections of the General Plan because the residential properties will continue to have safe access to their homes via Dana Street, a county maintained road.

## Attachments

1. Graphics
  - Vicinity Map
  - Land Use Category Map
  - Aerial Map
2. Hermreck Properties, LLC Road Abandonment Request – January 21, 2015

3. Public Works Memorandum – October 24, 2014

Staff report prepared by Megan Martin and reviewed by Ryan Hostetter and Steve McMasters.